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Agenda item 15

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-NINTH SESSION

Bulgaria*, Czech Republic, Denmark, Finland*, France, Germany, Greece*, Hungary*, Ireland, Italy, Japan, Netherlands*, New Zealand*, Norway*, Peru, Portugal*, Slovenia*, Spain*, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

1998/... Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling its previous resolutions, in particular resolutions 1992/66 of 4 March 1992 and 1997/22 of 11 April 1997, as well as the terms of reference of the Sub-Commission on Prevention of Discrimination and Protection of Minorities as defined by the Commission and its particular responsibilities established, inter alia, in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970, and the relevant resolutions of the General Assembly,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Taking note of the report of the working group on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1994/3) and of Sub-Commission decision 1994/117 of 26 August 1994,

Taking note also of the reports of the Sub-Commission and its Chairman on the forty-ninth session (E/CN.4/1998/2-E/CN.4/Sub.2/1997/50 and E/CN.4/1998/88),

1. Reaffirms that the Sub-Commission on Prevention of Discrimination and Protection of Minorities can best assist the Commission on Human Rights by providing it with recommendations based on the expert views and perspectives of independent members, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

2. Welcomes further steps undertaken by the Sub-Commission to reform and improve its methods of work, in particular:

(a) The process of restructuring its agenda during its forty-ninth session;

(b) The efforts made during its forty-ninth session to implement its decision 1996/114 to achieve a compilation of the existing rules of procedure and procedural questions to be resolved;

(c) The decision to limit the initiation of new studies (decision 1996/113) and the adoption of criteria for new studies (decision 1997/112);

(d) The establishment of a sessional working group on the methods of work of the Sub-Commission (decision 1997/104);

(e) The efforts made during its forty-ninth session to enhance its cooperation with all relevant bodies;

3. Takes note with interest of Sub-Commission decisions 1996/115 and 1997/113, and invites it to continue its efforts to avoid duplication with the work of the Commission on Human Rights,

4. Requests the Sub-Commission to further improve its efficiency, taking into account the views of Member States, and, in this context, calls upon the Sub-Commission and its members:

(a) To focus on its primary role as an advisory body of the Commission on Human Rights;

(b) To give particular attention to the selection of studies, taking into account recommendations of the Commission on Human Rights and of treaty bodies, and, when choosing subjects for study, to explain the choice made so as to enable the Commission adequately to assess the need for that study, and to complete all studies within a reasonable time;

(c) To strictly adhere to the principles of independence, impartiality and expertise;

(d) To facilitate efficient and effective participation of non-governmental organizations;

(e) To improve consultations with special rapporteurs undertaking studies for the Sub-Commission;

(f) To further enhance cooperation with mechanisms of the Commission and, within their competence, with all relevant bodies, including human rights treaty bodies and relevant United Nations research institutions;

(g) To focus strictly on questions relating to human rights in accordance with its mandate;

5. Calls upon States to nominate as members and alternates independent experts of recognized competence in the field of human rights as well as to respect fully the independence of elected members and alternates;

6. Requests States nominating candidates for the Sub-Commission to submit nominations sufficiently early so as to enable the members of the Commission to assess thoroughly the qualifications of the nominees;

7. Requests the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all the official United Nations languages in good time before the session;

8. Also requests the Secretary-General, in responding to requests from the Sub-Commission, to solicit information from Governments and intergovernmental and non-governmental organizations, to agree to such requests only after they have been approved by the Commission on Human Rights;

9. Takes note of Sub-Commission resolution 1997/17 and

(a) Calls upon the Sub-Commission to devote sufficient time at its fiftieth session to the discussion of its working methods and to prepare specific recommendations on that issue for consideration by the Commission on Human Rights;

(b) Authorizes the Sub-Commission to organize its four-week session so that it shall not hold more than 30 public meetings;

(c) Decides that for the balance of the session the Sub-Commission shall meet in private session to consider the implementation of the present resolution and to consider other appropriate issues;

(d) Requests the Sub-Commission to report to the Commission on Human Rights on the results of this method of organization;

10. Invites the Chairman of the Commission to address the Sub-Commission about the debate under this item;

11. Requests the Chairman of the Sub-Commission at its fiftieth session to report to the Commission at its fifty-fifth session on significant aspects of the work of the Sub-Commission.